

ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

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RED = Changes adopted by the committee on 9/12/2013

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	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
1	Superior Court Civil Cases	<p>60% instead of 75% within 180 days 90% within 365 days 96% instead of 98% within 540 days</p> <p>✓ Complex cases such as medical malpractice will be included as part of the 4% of cases disposed after 540 days.</p>	Different Standard from national general civil model time standard.	<p>The percentage on the first tier was lowered 15% for the following reasons:</p> <ul style="list-style-type: none"> • The number of uncomplicated and easily resolved cases were greatly reduced with the removal of the justice court civil cases from the superior court civil case type. • In FY11 59% of the total statewide civil cases were filed in justice court. • In Arizona a separate case processing standard is being developed for the justice court civil cases in which 90% of their cases are disposed within 180 days. • 90% of the statewide 59% would be resolved in 180 days based on the justice court standard. This equates to 53% of the statewide civil cases. <p>The percentage on the third tier was lowered 2% for the following reasons:</p> <ul style="list-style-type: none"> • The workgroup members stated that more than 2% of the civil cases require a trial or involve complicated evidentiary issues and 4% is a more accurate representation of the percentage of cases. 	<p>Filing of initial complaint through disposition (e.g., dismissal, judgment). The following may result in a stay of proceedings and the time elapsed will be excluded from measurement: special actions/appeals, bankruptcy and stays granted pursuant to the Servicemembers Civil Relief Act.</p>	<ul style="list-style-type: none"> • In some jurisdictions the superior court caseload is split between judges, magistrates and ADR hearing officers. Judges generally retain the more complex caseload. This means that the standards discussed work well at a court-wide level, but not when applied to an individual judge's caseload. May want to add a disclaimer to reports. • Will not develop a separate standard for medical malpractice cases or eviction actions. Timelines have been included in the rules and statutes, standards are unnecessary.
1	<p>FINAL RECOMMENDATION APPROVED</p> <p>Motion to adopt preliminary recommendation made by Don Jacobson, seconded by Kent Batty. Motion passed 17-2-0.</p> <p>NOTES: The committee believes that the proposed standards need to be aspirational but realistic. After the standards have been implemented for a period of time the steering committee recommends the standards be reviewed and adjustments be made when necessary. Business requirements are being created for the case management systems so that all the same data is being collected by the courts and the reports will be consistent statewide. The courts will have to change the culture by making the attorneys move on their cases. Not addressing rule changes at this time but recognize that some changes may have to be made in the future (e.g. Rule 4 (i),¹ ARCP and Rule 113(i),² JCRCP on dismissal for lack of service.) A new rule petition has been filed this year to amend Rule 38.1, ARCP on the inactive calendar and motion to set.</p> <p>On 4/25/2013 Motion to adopt final recommendation with revised language made by Judge John Rea, seconded by Judge Pamela Gates. Motion passed unanimously.</p>					

¹ Arizona Rules of Civil Procedure

² Justice Court Rules of Civil Procedure

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2	Justice Court Civil Cases	<p>75% within 180 days instead of 120 days 90% within 270 days instead of 180 days 98% within 365 days instead of 270 days</p> <p>✓ Justice Court civil cases under \$10,000.00 will be included ✓ Superior Court civil cases will be excluded and have a different standard</p>	Faster Standard then national general civil model time standard	<p>The national model combines superior court cases and justice court cases under \$10,000.00 dollars in the case type standard General Civil. The workgroup has created separate standards for each court.</p> <ul style="list-style-type: none"> Discovery is not an issue in justice court civil cases so a shorter standard is appropriate. 	<p>Filing of initial complaint through disposition (e.g., dismissal, judgment). The following may result in a stay of proceedings and the time elapsed will be excluded from measurement: special actions /appeals, bankruptcy and stays granted pursuant to the Servicemembers Civil Relief Act.</p>	<p>Date of service was discussed for the starting measurement. Workgroup is following national model and starting from date of filing. In future, may want to file Petition to Amend Rule 113(i), JCRP³ to shorten 120 time period for dismissals.</p> <p>Discussion thread for Comment on website: How much time is appropriate between a pretrial-conference/mediation and a scheduled trial date?</p>
2	<p>FINAL RECOMMENDATION APPROVED</p> <p>Motion to adopt preliminary recommendation made by Judge Antonio Riojas, seconded by Sandra Markham. Motion passed 18-1-0.</p> <p>NOTES: The statistical data for small counties may be skewed if there are only a couple of cases filed and one case falls outside the standards. Received 2 Comments that 75% of the cases cannot be disposed of within 120 days because of Rule 113(i), JCRCP which states “ the action will be dismissed without prejudice if summons and complaint not served within 120 days of filing of complaint. (These dismissals will take longer than 120 days to dispose and the judges will be hesitant to grant an extension of service).The judge also stated that in his court 90% of the cases are summary judgment or default cases. The committee made a determination that the time allowed for service on the defendant is out of the court’s control and the standards should be increased.</p> <p>On 4/25/2013 Motion to adopt final recommendation with revised standard and language made by Judge Steven McMurry, seconded by Judge Jill Davis. Motion passed unanimously.</p>					

³ Justice Court Rules of Civil Procedure

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3	Justice Court Eviction Actions	98% within 10 days ✓ Residential rental of a dwelling unit, Chapter 10: A.R.S. §33-1304; Mobile Home, Chapter 11: A.R.S. §33-1402; Rental of RV in RV Park >180 days Chapter 19: A.R.S. §33-2101; and General Landlord Tenant Chapter 3: A.R.S. §33-381 are included. ✓ Commercial evictions are included.	New Standard pursuant to AZ rules and statutes. The national model time standards include evictions in summary civil matters	These standards only apply to eviction actions in Justice Court. The rules and statutes for eviction actions in superior court are different and a small number of cases are filed in Superior Court. The Superior Court will not develop a different standard. The eviction actions will be included with all other civil cases in superior court.	Filing of initial complaint through disposition (e.g., dismissal, judgment). The following may result in a stay of proceedings and the time elapsed will be excluded from the measurement: special action/ appeals, bankruptcy and and stays granted pursuant to the Servicemembers Civil Relief Act.	
3	FINAL RECOMMENDATION APPROVED Motion to adopt preliminary recommendation made by Judge Kenton Jones, seconded by Don Jacobson. Motion passed unanimously. NOTES: Committee decided that commercial evictions should be specifically included in the standard. In looking at AJACS to write reports there are no special designations for commercial evictions versus residential evictions so it would be easier to write the time to disposition reports if commercial evictions are included in the standard. On 4/25/2013 Motion to adopt final recommendation with revised language made by Judge Antonio Riojas, seconded by Don Jacobson. Motion passed unanimously.					

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4	Small Claims	75% within 90 days instead of 60 days 90% within 120 days instead of 90 days 98% within 180 days	Different Standard. The national model time standards for summary civil matters includes evictions and civil local ordinance cases and we have developed different standards for these case types.	An additional 30 days has been added to the first two tiers for the following reasons: <ul style="list-style-type: none"> • Service by mail is allowed in Justice Court cases and this will add approximately 2 weeks to the timeline. • In some counties these cases are sent to mediation which will add 30 days to the timeline. Approximately 50% settle in mediation. • 75% of the cases do not end in a default. • In the national model time standards model evictions and civil local ordinances are included and they have faster dispositions. 	Filing of initial complaint through disposition (e.g., dismissal, judgment). The following may result in a stay of proceedings and the time elapsed will be excluded from the measurement: bankruptcy and stays granted pursuant to the Servicemembers Civil Relief Act.	Date of filing should be used instead of date of service for the starting measurement. This encourages courts to monitor the performance of this critical procedural step and to take action- such as setting a hearing for self-represented litigants or dismissing the case after 120 days for lack of service.
4	FINAL RECOMMENDATION APPROVED Motion to adopt preliminary recommendation made by Kent Batty, seconded by Judge Sally Simmons. Motion passed unanimously. NOTES: (Received 1 comment to increase standard) The committee recommends that Special actions /appeals be removed from excluded time. See §22-504(B) states no appeal can be filed on a small claims case. (See revision above) On 4/25/2013 Motion to adopt final recommendation with revised language made by Judge Antonio Riojas, seconded by Kent Batty. Motion passed unanimously.					

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5	Civil Local Ordinances	75% within 60 days 90% within 90 days 98% within 180 Days	Comports with national model time standards for summary civil matters	Civil Local Ordinances should have their own standard and not the same standard as the Civil Traffic or Small Claims case types.	Filing of initial complaint through disposition (e.g., dismissal, judgment). The following may result in a stay of proceedings and the time elapsed will be excluded from measurement: special action/ appeals, bankruptcy and stays granted pursuant to the Servicemembers Civil Relief Act.	
5	FINAL RECOMMENDATION APPROVED Motion to adopt preliminary recommendation made by Judge Steven McMurry, seconded by Sandra Markham. Motion passed unanimously. NOTES: A determination was made by the committee that a case with zoning issues could be disposed of within the six month timeframe. In most instances the city or county has worked with the individuals for years before filing a lawsuit. Compliance hearings would occur after disposition and not affect the standards. On 4/25/2013 Motion to adopt final recommendation with revised language made by Judge John Rea, seconded by Judge Antonio Riojas. Motion passed unanimously. (See revisions in red)					

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6	Civil Traffic	75% within 30 days 90% within 60 days 98% within 90 days ✓ Civil local ordinance cases are excluded. ✓ Photo-Radar tickets are excluded. ✓ Parking tickets are excluded.	Comports with national model time standards for criminal traffic and local ordinances		Filing of Arizona Traffic Ticket and Complaint (ATTC) or by long-form complaint through disposition (e.g., dismissal, judgment). The following may result in a stay of proceedings and the time elapsed will be excluded from measurement: diversion, special action/appeals and stays granted pursuant to the Servicemembers Civil Relief Act.	Photo tickets require additional service time so they were excluded.
6	FINAL RECOMMENDATION APPROVED Motion to adopt preliminary recommendation made by Kent Batty, seconded by Don Jacobson. Motion passed unanimously. NOTES: The committee noted that this is the largest category of cases in the state. The workgroup noted that 60% to 65% of the cases are paid electronically and that there are no inherent delays in the volume of cases being processed. Parking tickets fall under civil local ordinance in some counties, not sure if they fall under traffic in other counties. Photo radar tickets are a small percentage of the cases. Some ideas to shorten the time to disposition are to give the front county clerk the ability to provide 15/30/45 day extensions to the defendant. This practice will cut down on the number of motions filed so that the defendant is allowed to complete traffic school, obtain proof of insurance or travel from out of town. Another way to shorten the time is to assign some of the traffic tickets to civil hearing officers. Some of the counties do experience spikes in the number of filings based on holidays, tourism traffic, first snowfall and enforcement efforts by the police department. The Committee recommends that parking tickets be excluded from the standard because a statewide designation would be difficult. Every city or county can designate a parking ticket as something different (e.g., petty offense, civil local ordinance violation or civil traffic). Measurement to be revised to include the exclusion of stays granted pursuant to the Servicemembers Civil Relief Act. On 4/25/2013 Motion to adopt final recommendation with revised language made by Mr. Don Jacobson, seconded by Mr. Kent Batty. Motion passed unanimously. (See revisions in red)					

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7	Protection Orders	<u>Ex Parte Hearing: (Intermediate Standard)</u> 99% within 24 hours instead of 100% <u>Contested Hearing:</u> 90% within 10 days 98% within 30 days. ✓ Injunctions Against Harassment and Injunctions Against Workplace Harassment are included.	Different standard for Ex Parte Hearing (Intermediate Standard) but Arizona comports with the national model time standards for family law protection orders for Contested Hearing.	Arizona's protective order laws are significantly different from other states. The national intermediate standard is 100% of ex parte hearings to be held in compliance with state law. In Arizona a pre-issuance hearing may be ordered by the court within 10 days if the judge feels there is inadequate information. Because the courts can order a pre-issuance hearing the percentage was lowered to 99% for ex parte orders. A new intermediate standard for pre-issuance hearings was considered of 90% within 10 days and 98% within 30 days.. Arizona adopted the standard for the national model contested hearing. In Arizona a second hearing only occurs if the defendant request one, it must be conducted within 5 to 10 days, depending on whether exclusive use of the parties' residence is at issue. With this statutory timetable, Arizona Courts should be able to conduct 98% of the contested hearings within 30 days.	<u>Ex Parte Hearing:</u> The date the petition for protective order is filed to the date the protective order is issued or denied. <u>Contested Hearing:</u> The date the request for hearing is filed to the date the protective order is affirmed, modified or quashed.	
7	FINAL RECOMMENDATION APPROVED Motion to adopt preliminary recommended time standards, including the elimination of the intermediate time standard for pre-issuance hearing, made by Judge Pamela Gates, seconded by Judge Kenton Jones. Motion passed unanimously. NOTES: The workgroup had originally proposed an intermediate standard for pre-issuance hearings of 90% within 10 days and 98% within 30 days. The Limited Jurisdiction Committee (LJC) had recommended that the pre-issuance hearing be changed to 90% within 14 days instead of 10 days. Pre-issuance hearings can be used at any time and, in some jurisdictions, are frequently used for neighbor and roommate disputes. The committee decided that an intermediate standard may not be needed for pre-issuance hearings and the issue should be re-visited at a later date when more data is available. On May 14, 2013 CIDVC approved the standards but if the standards need to be revisited, CIDVC would recommend that a separate standard for pre-issuance hearings be developed. The committee recommends that the language "or a pre-issuance hearing is set" be removed from the Ex Parte Hearing measurement. This decision was based on the removal of the intermediate standard for pre-issuance hearings. The setting of a pre-issuance hearing is not a final disposition. A hearing will still need to be held and the order will need to be issued or denied. If the measurement is stopped at the setting of the pre-issuance hearing, the cases will not be tracked to see if the order was issued or denied. The Committee on the Impact of Domestic Violence in the Courts (CIDVC) had some concerns that the 99% for ex parte hearings could not be met because individuals file the petition and leave before the hearing is held. The larger jurisdictions may leave the case open for as long as 30 days in case the petitioner returns. The members of CIDVC did not want to lower the percentage to 98% with 24 hours. We do not have any data on how many cases fall into this category or how many courts this might effect. The committee recommends that the standard and measurement be left alone and this issue may be revisited after we have more data. On 4/25/2013 Motion to adopt final recommendation with revised language made by Kent Batty, seconded by Don Jacobson. Motion passed unanimously.					

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8	Criminal Misdemeanor	75% within 60 days 90% within 90 days 98% within 180 days ✓ Criminal traffic cases are included. ✓ Petty offenses are included. ✓ Criminal local ordinance cases are included. ✓ DUI cases are excluded; these cases have separate case processing goals.	Comports with national model time standards for criminal misdemeanor	Added the following comment to the standard. COMMENT: These standards are based on the assumption that most of these cases are resolved without an attorney. These standards should be revisited if penalties on misdemeanor cases continue to become more stringent and attorney involvement increases.	Filing of complaint through disposition (e.g., dismissal, acquittal or judgment and sentencing). The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.	
8	FINAL RECOMMENDATION APPROVED Motion to adopt preliminary recommended time standards, including amended measurement, made by Judge Sally Simmons, seconded by Judge Richard Fields. Motion passed unanimously. NOTES: The Limited Jurisdiction Committee (LJC) stated that there are a number of cases that the time is extended because of informal diversions (e.g. case will be dismissed at next pre-trial hearing if fine is paid). May need to discuss the creation of event codes in the case management systems so that the time can be excluded for formal and informal diversions. The Committee recommends that the case processing standards for criminal cases be applied when the case is initiated not at the time of disposition. In a criminal case, the case processing standard for the most severe offense listed on the charging document will be applied. (e.g. case has a misdemeanor charge and a civil traffic charge and the misdemeanor charge is dismissed. In this scenario the case processing standard for misdemeanors would apply since this was the most severe offense listed on the charging document.) On 4/25/2013 Motion to adopt final recommendation with revised language made by Kent Batty, seconded by Don Jacobson. Motion passed unanimously.					

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9	Criminal Misdemeanor DUI	<p>85% within 120 days 93% within 180 days</p> <ul style="list-style-type: none"> ✓ Criminal misdemeanor cases are excluded. ✓ Criminal traffic cases are excluded. ✓ Criminal local ordinance cases are excluded. 	<p>A standard already exist in Arizona and that will be adopted. The national model time standards include DUI cases with the misdemeanor case processing standards.</p>	<p>Background: In the summer of 2005, Chief Justice McGregor established the DUI Case Processing Committee which conducted a detailed review of how courts throughout Arizona process DUI cases. The committee examined the entire Arizona criminal justice system as it relates to DUI cases and recommended specific improvements to court processes, rules, and statutes. One of these recommendations was to establish a pilot court program to implement the committee recommendations and determine which recommendations were effective in improving DUI case processing. After eleven courts successfully piloted the program, Phase II was implemented through Administrative Order 2007-94. By May 2008 all the Justice and Municipal Courts in Arizona were participating in the DUI Program and it is still in place today. The DUI misdemeanor case processing standard in Arizona exceeds the national standard for several reasons. First, there are substantial penalties involved, and a large number of these cases go to trial. Second, the discovery process is lengthy because of expert testimony and the required technical testing and re-testing of blood and breath by the crime labs. Third, the number of offenses for driving under the influence of prescription drugs has increased, and physician testimony must be included in the discovery process</p>	<p>Filing of complaint through disposition (e.g., dismissal, acquittal or judgment and sentencing). The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.</p>	
9	<p>FINAL RECOMMENDATION APPROVED</p> <p>Motion to adopt preliminary recommended time standards, including amended measurement and reasons for deviation from the national model, made by Judge Peter Cahill, , seconded by Don Jacobson. Motion passed unanimously.</p> <p>Received 1 comment to increase the standard. No changes were made. The Committee recommends that the case processing standards for DUI Misdemeanors be applied when the case is initiated not at the time of disposition. If there is a DUI charge when the case is initially filed then the standards for DUI cases applies.</p> <p>On 4/25/2013 Motion to adopt final recommendation made by Kent Batty, seconded by Judge Eric Jeffries. Motion passed unanimously.</p>					

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10	Criminal Felony	<p>65% instead of 75% within 90 days 85% instead of 90% within 180 days 96% instead of 98% within 365 days</p> <p>✓ Death Penalty cases will be included as part of the 4% disposed after 365 days.</p>	Different standard from national model time standards for criminal felony cases.	<p>The percentage on the first tier was lowered 10% for the following reasons:</p> <ul style="list-style-type: none"> • Based on local historical data the number of uncomplicated and easily resolved cases in superior court is lower than the national standard suggests. • In Arizona, many counties have two levels of court. If the measurement starts with the date the first document is filed in superior court this will eliminate all the case dispositions (e.g. dismissals or pleas) in justice court. As a result, a lower disposition rate in the first tier of cases will exist. The cases that are transferred to superior court will be more complicated and not as easily resolved. <p>The percentage on the second tier was lowered 5% for the following reasons:</p> <ul style="list-style-type: none"> • Based on historical local data 15% of the cases in the courts have one or two issues that require a longer timeline. <p>The percentage on the third tier was lowered 2% for the following reasons:</p> <ul style="list-style-type: none"> • The workgroup members stated that more than 2% of the felony cases are complex cases 	<p>Filing of first charging document (e.g. information, indictment or complaint) in superior court through disposition (e.g. dismissal, acquittal or judgment and sentencing). The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.</p>	<p>MEASUREMENT:</p> <ul style="list-style-type: none"> • If the first charging document or complaint is filed in a Justice Court for the determination of probable cause or waiver of a preliminary hearing, the measurement would not begin until the case is transferred to superior court and the first charging document or information is filed in superior court. • If the first charging document (e.g. complaint, information or indictment) is filed directly into superior court, the measurement would begin when the charging document is filed. If a warrant is issued this time will be excluded from the count. • The National Model Time Standards discourage the use of the arraignment date for establishing time standards. <u>The national model critically notes that the time standard for felony cases is not a “speedy trial rule” requiring dismissal of the case if the standard is not met.</u> These standards are intended as measures of the overall time to disposition in a jurisdiction, not as a rule governing individual cases or creating rights for individual criminal defendants.

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				<p>and 4% is a more accurate representation of the percentage of cases.</p> <ul style="list-style-type: none"> • The workgroup stated that if the time standards are set too high the court community will largely disregard the standards as unreasonable and make no attempt to achieve these standards. 		<p>Moreover speedy trial rules generally run from the date of arrest or arraignment to the start of the trial. In many jurisdictions, achievement of the goals set by these time standards involves more than one level of court and the performance of an individual court must be measured against the events which that court controls.</p> <ul style="list-style-type: none"> • The reports written for the AJACS case management system only contemplates tracking the filing of the first document in Superior Court.
10	<p>FINAL RECOMMENDATION APPROVED</p> <p>Motion to adopt preliminary recommended time standards, including amended measurement, made by Judge Sally Simmons, seconded by Judge Peter Cahill. Motion passed unanimously.</p> <p>NOTES: The steering committee has suggested that the proposed standards be reviewed at a later date to ensure that the standards are not set so high as to be unachievable by the courts. It was also suggested that we track the felony cases filed in justice court before they are transferred into the superior court.</p> <p>The Committee recommends that the case processing standards for felony cases be applied when the first charging document is filed in superior court and not at the time of disposition. In a felony case, the case processing standard for the most severe offense listed on the charging document would be applied. The final disposition of the felony offense does not matter (e.g., if a defendant was initially charged with one count felony trafficking and two counts misdemeanor possession, and the felony charge was dismissed or reduced to a misdemeanor at sentencing, the felony case processing standard would still apply).</p> <p>On 4/25/2013 Motion to adopt final recommendation made by Judge Antonio Riojas, seconded by Kent Batty. Motion passed unanimously.</p>					

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11	Superior Court Criminal Post-Conviction Relief	<p>94% instead of 98% within 180 days</p> <p>✓ Capital cases will be included as part of the 6% disposed after 180 days.</p>	Different standard from national model time standards for post-conviction relief	<p>The percentage was lowered 4% for the following reasons:</p> <ul style="list-style-type: none"> • In many counties 4% to 5% of the cases go to trial. • The motion for post conviction relief based on a trial takes a longer disposition time than those based on plea agreements. The trial post conviction relief motion requires more preparation as it includes more testimony and evidence to be reviewed. The disposition will also be delayed if an evidentiary hearing is required. 	Filing of Petition for Post Conviction Relief through disposition (e.g., dismissed/denied or relief granted).	
11	<p>FINAL RECOMMENDATION APPROVED</p> <p>Motion to adopt preliminary recommendation made by Judge Sally Simmons, seconded by Sandy Markham. Motion passed unanimously.</p> <p>NOTES: The time to process the petition will also increase if there is a claim for ineffective assistance of counsel because the court must appoint counsel under Rule 32.5, Arizona Rules of Criminal Procedure.</p> <p>The Steering Committee recommends that this standard not be applied to justice and municipal courts. There are a small number of petitions filed in the justice and municipal courts and the petitions filed are unpredictable.</p> <p>On 4/25/2013 No revisions made to preliminary recommendation The case type was re-titled “Superior Court Criminal Post-Conviction Relief”</p>					

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12	Family Law Dissolution	<p>75% within 180 days instead of 120 days 90% within 270 days instead of 180 days 98% within 365 days</p> <p>✓ Includes legal separation and annulment cases. ✓ Excludes adoption cases.</p> <p><u>Temporary Orders: (Intermediate Standard)</u> 90% instead of 98% within 60 days 98% within 120 days</p> <p>✓ Only pre-decree temporary orders are included.</p>	Different standard from national model time standards for Family law dissolution/ divorce/ allocation of parental responsibility cases	<p>An additional 60 days has been added to the first tier for the following reasons:</p> <ul style="list-style-type: none"> • The national standards were established on the premise that many cases are disposed of quickly (i.e., within 120 days) with minimal court involvement. However, due to Arizona specific rules, early disposition, by the Court, due to lack of service and/or lack of prosecution occurs after expiration of the 120 day time frame set forth in the national standards. • Dismissal for lack of service. Based on Rule 40(I), ARFLP ⁴ the court cannot dismiss the cases for lack of service until after 120 days. Moreover, the court may grant the petitioning party additional time for service. Depending on the method of service, the respondent may have up to 60 days to file an answer. • Dismissal for lack of prosecution. Based on Rule 46(B), ARFLP the court cannot dismiss the case for lack of prosecution for 180 days. • Self- represented litigants. A large proportion of dissolution cases are filed by self-represented litigants. Consequently, many parties require additional time to effectuate proper service and file the appropriate paperwork for a default judgment if service is obtained. <p>An additional 90 days was added to the second tier for the following reasons:</p>	<p>The date of filing to the date of disposition by entry of judgment/decree or order. The following may result in a stay of proceedings and the time elapsed will be excluded from measurement: special actions /appeals, bankruptcy, conciliation court, pending juvenile cases and stays granted pursuant to the Servicemembers Civil Relief Act.</p> <p><u>Temporary Orders:</u> The date the motion for temporary order is filed to the date of disposition by entry of a temporary order.</p>	The most important pre-trial step is the issuance of a temporary order to stabilize the financial and parenting situation pending final judgment. It is important for the safety, security and well-being of the spouses and children that an order be established early on to address child support, spousal support, legal decision-making (custody) and parenting time.

⁴ Arizona Rules of Family Law Procedure

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				<ul style="list-style-type: none"> • Conciliation, mediation and ADR referrals. 10 to 15% of the cases statewide are referred to conciliation, mediation and alternative dispute resolution (ADR) programs. If a petition is promptly served, the respondent files a timely answer, and the Court sets the matter for a resolution management conference, the Court will assess the value of referring the parties to ADR, setting trial approximately 30 to 45 days after completion of the ADR. ADRs may occur 120 days or more from the date of the resolution management conference. These cases fall into the second tier and will rarely be disposed of within 180 days. • Disputed Issues. The second tier of cases will mostly include cases with strongly contested issues regarding custody/legal decision making, domestic support orders and/or division of assets and debts. Business valuations, custody evaluations, additional services such as substance abuse monitoring require additional time. Consequently, the court is unable to dispose of the cases in 180 days. In addition, the second tier of cases includes a large percentage of self-represented litigants in dissolution cases and the court process is occasionally delayed when these individuals are not prepared and the required paperwork has not been completed. • Parent education programs. In dissolution cases with children the timeline is extended because the parties have 45 days from the date of service to 		
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ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

				attend a parenting education class.		
12	<p>FINAL RECOMMENDATION APPROVED</p> <p>Motion to adopt preliminary recommendation made by Kent Batty, seconded by Judge Peter Cahill. Motion passed unanimously.</p> <p>NOTES: The workgroup increased the time to disposition in these cases but still has some reservations as to whether these standards will be achievable by the courts. The findings in family law cases are often complex and lengthy.</p> <p>After the reports are written and more data has been obtained, the committee would like to re-visit the standards to determine if these are standards that can be achieved by the courts and if not make adjustments.</p> <p>Members of the steering committee suggested that we change the name from “Arizona case processing standards” to Arizona case processing goals.” Standard is an absolute and has a more negative connotation if not met. Goals are more aspirational. None of the courts strive for mediocrity the committee needs to develop standards that will push the courts to do better.</p> <p>The committee wants the standards to be used as a management tool for the whole court not as a weapon against individual judges. The standards should not be utilized as a rule governing individual cases or creating rights for individual litigants.</p> <p>The committee stated that there are a large number of self-represented litigants in family court and would not revise Rule 40(I), ARFLP to shorten the time when a case can be dismissed for lack of service.</p> <p>The committee recommends that if a family law dissolution case is stayed because of a pending juvenile matter, the time will be excluded from measurement (e.g., child protection services files a stay on the divorce case until the juvenile matter is resolved).</p> <p>On 4/25/2013 to adopt final recommendation with revised language made by Judge Pamela Gates, seconded by Judge Rosa Mroz. Motion passed unanimously. (See revisions in red)</p>					

ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENT
13	Family Post-Judgment Motions	50% instead of 98% within 180 days 90% within 270 days 98% within 365 days	Different standard from national model time standards for family law post-judgment motions	<p>The percentage was lowered and 2 tiers were added for the following reasons:</p> <ul style="list-style-type: none"> • Child support post-judgment petitions (single issue) versus custody post-judgment petitions (multi-issue). A significant percentage of post-decree petitions involve more than one issue. Single issue petitions to modify child support or spousal maintenance will likely be resolved in 180 days. However, Under Arizona rules, parties must obtain and serve the orders to appear for all post-decree petitions other than petitions to modify legal decision making. Under Arizona Rules, a party must comply with the requirements for Rule 91D, ARFLP for all post-decree petitions to modify legal decision-making. Due to Arizona specific service requirements, the court cannot dispose of cases for lack of service and/or lack of prosecution until after 120 days or 180 days respectively. Moreover, custody post-judgment cases take more time as various evaluations and pretrial services may be ordered. • Statistical data. There was very little statistical information available on the number of post decree motions that involve child support only versus custody. In one county 33% of the post decree motions were custody and the workgroup believes that the percentage is more like 40% or 50% in the larger counties. • Custody Modifications. Many of the cases that are filed as child support petitions will evolve into custody modifications. Custody modifications will take longer and will fall into the second tier for case processing standards. 	The date of filing a post-decree or post-judgment petition to the date of disposition by entry of judgment or order. The following may result in a stay of proceedings and the time elapsed will be excluded from measurement: pending juvenile cases and stays granted pursuant to the Servicemembers Civil Relief Act.	
13	<p>FINAL RECOMMENDATION APPROVED</p> <p>Motion to adopt preliminary recommendation made by Judge Sally Simmons, seconded by Judge Steven McMurry. Motion passed 18-1-0.</p> <p>On 4/25/2013 Motion to adopt final recommendation with revised language made by Judge Pamela Gates, seconded by Kent Batty. Motion passed unanimously. (See revisions in red)</p>					

ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
14	Probate Administration of Estates	50% instead of 75% within 360 days 75% instead of 90% within 540 days 95% instead of 98% within 720 days ✓ Formal and informal probate cases are included. ✓ Affidavit of succession to real property cases are included.	Different standard from national model time standards	<ul style="list-style-type: none"> • Contested cases. There are a large number of cases that are contested which extends the processing time. • Consolidated cases. There are a number of civil cases filed in the probate court or consolidated into a probate case, such as contract disputes, medical malpractice, nursing home malpractice and wrongful death actions, which take longer to resolve. • Personal representatives. Closing an estate is in the control of the personal representative who may have to deal with issues such as selling businesses and real properties, finding heirs and assets, and dealing with tax issues and this will adversely affect the timeline. • Dismissal by court. Based on Rule 15.2(A), ARPP⁵ the court must wait 2 years and 90 days after the initiation of a case to dismiss the case when no closing statement has been filed. • Statistical data. There was very little statistical information available but based on a survey of the courts the percentages were lowered accordingly. 	Filing of application/ petition for appointment of personal representative or probate of a will through closing of the decedent's estate (e.g. filing of closing statement, complete settlement or order approving final distribution or accounting). The following time will be excluded from measurement: stay for special actions/ appeals and bankruptcy.	The courts in Arizona do not have statistics available that can tell us whether the national standards are realistic or achievable. These standards should be viewed as aspirational goals not hard standards and should be subject to review once more data is available. Maricopa and Pima County are the only counties that have designated probate judges.
14	FINAL RECOMMENDATION NOTES: The committee sent this standard back to the workgroup for further discussion on the measurement and standard to be adopted. After review of the time to disposition reports available from the AJACS case management system and further discussion the workgroup is recommending the standards above and the revised measurement. The <i>affidavit of succession to real property</i> cases are to be included in the standard. These cases are handled by the probate registrar in one to three days. According to §14-1307 the presiding judge of the county can designate the clerk of court, court commissioner or a judge as probate registrar. It is typically the clerk of court in most counties. On 4/25/2013 Motion to adopt preliminary recommendation made by Judge John Rea, seconded by Kent Batty. Motion passed unanimously. On 9/12/2013 there were no comments or changes so preliminary recommendations were finalized.					

⁵ Arizona Rules of Probate Procedure

ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
15	Probate Guardianship/ Conservatorship	80% instead of 98% within 90 days 98% within 365 days Excludes guardianship/ conservatorship of a minor and elder abuse cases.	Different standard from national model time standards	Statistical data. There was very little statistical information available but based on a survey of the courts the percentages were lowered accordingly.	Filing of petition for appointment of guardian/conservator through denial of the petition or issuance of a court order appointing a fiduciary on a non-temporary basis.	The courts in Arizona do not have statistics available that can tell us whether the national standards are realistic or achievable. These standards should be viewed as aspirational goals not hard standards and should be subject to review once more data is available. Maricopa and Pima County are the only counties that have designated probate judges. No standard for Title 14 minor guardianship/ conservatorship cases to be developed, the timelines are set out by rule and statute in Arizona.
15	FINAL RECOMMENDATION NOTES: The committee sent this standard back to the workgroup for further discussion The workgroup decided to stay with the same standard as they were unable to obtain statistical information from the AJACS case management system. The time to disposition reports in AJACS stop measuring when the guardianship is terminated not when the order appointing fiduciary is signed. The appointment of the guardian can be accomplished within 90 days for the uncontested cases. A second tier was added for the contested cases. These are the cases where there is a disagreement as to whether a guardian/conservator should be appointed or a disagreement as to who should be appointed as guardian/conservator. Many of these contested cases expand into issues of who is exploiting the ward. On 4/25/2013 Motion to adopt preliminary recommendation made by Kent Batty, seconded by Sandra Markham. Motion passed unanimously. On 9/12/2013 there were no comments or changes so preliminary recommendations were finalized.					

ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
16	Probate Mental Health Cases	98% within 15 days ✓ Petitions for court ordered treatment are included ✓ Petitions for court ordered evaluation are excluded	Comports with national model time standards for probate mental health cases		Filing of petition through disposition (e.g., patient released or issuance of a court order for treatment).	
16	FINAL RECOMMENDATION APPROVED Motion to adopt preliminary recommendation made by Kent Batty, seconded by Judge Sally Simmons. Motion passed unanimously. NOTES: These cases are statutorily driven and the national model time standard complies with Arizona law. On 4/25/2013 No revisions made to preliminary recommendation					

ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
17	Juvenile Delinquency and Status Offense	Youth in detention: 98% within 45 days Youth not in detention: 98% within 60 days <u>Youth in detention:</u> 75% within 30 days 90% within 45 days 98% within 75 days, instead of 90 days <u>Youth not in detention:</u> 75% within 60 days 90% within 90 days 98% within 135 days, instead of 150 days	Different standard that is faster than the national model time standards for juvenile delinquency and status offense.	Based on the following rules in Arizona: Rule 29(B), ARJP ⁶ states the adjudication hearing will be held within 45 days if the youth is detained and 60 days if the youth is not detained; Rule 28(B)(2), ARJP states an advisory hearing shall be held within 30 days from the date of filing if the youth is not detained and within 24 hours if the youth is detained; and Rule 30(B)(1)(a) and (b) that states a disposition hearing will be held within 30 days of adjudication of delinquency or incorrigibility if the youth has been detained and 45 days if the youth has not been detained. The last tier of the standard for Arizona has been changed to mirror the timelines set out in the rules.	Filing of petition through disposition. adjudication of delinquency or incorrigibility. The following time will be excluded from measurement: diversion, warrant time and competency proceedings.	
17	FINAL RECOMMENDATION APPROVED On 4/25/2013 Motion to adopt preliminary recommendation made by Judge Peter Cahill, seconded by Judge Sally Simmons. Motion passed unanimously. No revisions made to preliminary recommendation. On 9/5/2013 The Committee on Juvenile Courts (COJC) made the following suggested revisions: The Measurement would stop at disposition instead of adjudication of delinquency or incorrigibility. Based on this change and in accordance with the rules the days would change as follows: <u>Youth in detention:</u> 98% within 75 instead of 45 days, <u>Youth not in detention:</u> 98% within 135 days instead of 60 days. The workgroup and steering committee decided to adopt the suggested change but in order to identify bottlenecks also added in the other two tiers. On 9/12/13 Motion to adopt final recommendation with the new measurement of filing of petition through disposition and the three tier standard outlined above was made by Judge Steven McMurry seconded by Don Jacobson. Motion passed unanimously.					

⁶ Arizona Rules of Juvenile Procedure

ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
18	Juvenile Neglect and Abuse	<u>Adjudication Hearing:</u> 98% within 90 days of service <u>Permanency Hearing:</u> 98% of children under 3 years of age within 180 days/6 months of removal 98% of all other cases within 360 days of removal	Different standard that is faster than the national model time standards for juvenile neglect and abuse	<p>The statutes and rules in Arizona are stricter than the national model and Arizona has carved out different timelines for children under 3 years of age. Rule 55(B), ARJP states the adjudication hearing shall be completed within 90 days of service of the petition. and 60(C), ARJP sets out the timelines for the permanency hearing.</p> <p>The national model sets out the following three tier case processing standards.</p> <p>Adjudication Hearing: 98% within 90 days of removal</p> <p>Permanency Hearing: 75% within 270 days of removal 98% within 360 days of removal</p>	<u>Adjudication Hearing:</u> Date of service on a parent or guardian through a finding of dependency. <u>Permanency Hearing:</u> Date of removal through permanent plan determination.	Date of removal versus date of service. The national model time standards start the measurement for this case type with the date of removal. If we measure from the date of removal for case processing standards, this would conflict with the rules and statutes that base their timelines on the date of service. If a parent or guardian had to be served by publication the courts would not be able to meet the case processing standards if we start measuring from the date of removal. The workgroup recommends that Arizona stay consistent with the rules and statutes and start measuring from the date one of the parents is served. Both parents do not have to be served for the courts to proceed with the case.
18	FINAL RECOMMENDATION APPROVED Motion to adopt preliminary recommendation made by Judge Peter Cahill, seconded by Judge Sally Simmons. Motion passed unanimously. On 4/25/2013 No revisions made to preliminary recommendation. On 9/5/2013 The Committee on Juvenile Courts (COJC) made the following suggested revision: The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt a different standard instead of faster standard.					

ARIZONA CASE PROCESSING STANDARDS FINAL RECOMMENDATIONS

	CASE TYPE	ARIZONA STANDARD	NATIONAL STANDARD	REASONS FOR DIFFERENT STANDARD	MEASUREMENT	OTHER COMMENTS
19	Juvenile Termination of Parental Rights	90% within 120 days 98% within 180 days	Comports with national model time standards for juvenile termination of parental rights		Filing of Motion/Petition for Termination of Parental Rights through entry of dismissal or order of termination.	No standard for adoption cases to be developed. There are so many variables in these cases that a standard for completion could cause many unintended consequences. There are several different types of adoptions – CPS adoptions, private adoptions, step parent adoptions, relative adoptions, foreign adoptions, etc. No standard for Title 8 minor guardianship/ conservatorship cases to be developed, the timelines are set out by rule and statute in Arizona.
19	FINAL RECOMMENDATION APPROVED Motion to adopt preliminary recommendation made by Judge Peter Cahill, seconded by Judge Sally Simmons. Motion passed unanimously. On 4/25/2013 No revisions made to preliminary recommendation.					